

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
June 10, 2013 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess

Steven Vieira

John Mahshie

ABSENT

Michael Gravesen

Paul Bigness

ATTENDING

Ty Harris, Assistant County Attorney

Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of May 13, 2013 were approved as circulated.

ANNOUNCEMENTS

The Chair announced that the arrangements had been made for a Planning and Zoning Board member to attend the June 19th Affordable Housing meeting, and requested the Recording Secretary to ensure that Mr. Vieira receives the necessary agenda and other meeting materials.

Ms. Inga Williams announced that the draft Land Development Regulations would be available online by the end of this week, in PDF format with comments to be emailed in until the site which permits online commenting is completed. Responding to a question from the Chair, **Ms. Williams** said that the anticipated process was to continue receiving comments and making the appropriate revisions, having roundtable workshops on specific topics and making appropriate revisions after those also. The revisions will be made at regular intervals and new versions of the code will be posted online. She confirmed that the matter would come back to the P&Z Board after all the public input.

PETITIONS

Charlotte Harbor CRA

Architectural Design Standards Legislative

Commission District I

An Ordinance pursuant to Section 3-9-50.6(A) of the Code of Laws and Ordinances of Charlotte County, Florida, amending the Mandatory Design Requirements used within the Charlotte Harbor Community Overlay District; and providing for Intent, Applicability, Severability, and providing an Effective Date.

Staff Presentation

Inga Williams, Principal Planner, commented on the basis for the changes to Section 3-9-50.6a that are being presented today. This section of the Code concerns the Charlotte Harbor CRA Architectural Design Standards, which had previously been adopted by Resolution with just a reference in the Code referring to these Standards as "mandatory". They will now be added to the Code of Laws and Ordinances, which is the more appropriate approach.

Minutes of Regular Meeting Continued

June 10, 2013 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

In the meantime, there were a few changes made by the Charlotte Harbor CRA Board which don't stand out in the material in the packets, but a working draft is available online if the Board wants to view and discuss it.

Questions for Staff

Chair Hess asked about some architectural feature language on page 4 at line 2, where it says "determination by staff member whether general requirement and specification affects" a particular development. Her question was this: If a structure has or will have columns, posts, pillars, then will the requirements apply, or is that up to the staff person whether or not they will apply. **Ms. Williams** said it would apply; **Chair Hess** questioned why is that language necessary if it's obvious. **Ms. Williams** deferred to Assistant County Attorney Ty Harris on this question. **Mr. Harris** noted that the language in question had not originated from the legal department. Further discussion ensued on improving the language for clarity; and the consensus was to remove the language.

Ms. Debrah Forester, as staff liaison to the Charlotte Harbor CRA, was asked for her thoughts on the matter and **Ms. Forester** said she would leave it to legal counsel to make the call. **Mr. Harris** said he supported anything that provides greater clarity and that line 2 of page 4 can be singled-out to be stricken along with a recommendation of approval in the motion.

Mr. Shaun Cullinan, Zoning Official, spoke in support of the language making the point that it gives staff flexibility. **Chair Hess** expressed concern with the "on a case by case basis" approach, describing regulations that 'flexible' as being unenforceable when nothing is nailed down and everything is open to one person's interpretation. **Mr. Cullinan** conceded that point. **Mr. Harris** suggested the group go ahead and recraft the language right now (given the light agenda) or decide to have it stricken; **Chair Hess** targeted the phrase "affects" and offered "required" in a particular development activity instead, but remained uneasy with keeping it in there at all. **Mr. Mahshie** said he was in favor of flexibility. **Chair Hess** agreed flexibility is necessary but the language could reflect flexibility without seeming to mean that one individual could exempt entirely a development from the regulations. **Mr. Cullinan** offered to forward the Board's comments to the Commission and to look to them for a compromise.

Mr. Vieira looked at language in paragraph four that specified wood as the most common exterior material; he had questions about the flexibility being offered in this section. **Mr. Cullinan** responded with his interpretation of the language, and found the flexibility there, pointed out that what was being sought was an overall look and if the look could be obtained without specifying materials, that should be acceptable. But it was agreed that there's no reason to strictly specify and exclude materials.

Applicant's Presentation

Debrah Forester made a brief presentation in support of the petition, noting that the advisory group has worked hard on this, and requested the Board's recommendation of approval. There were no questions.

Public Input

None.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Mahshie** with a unanimous vote.

Discussion

Minutes of Regular Meeting Continued

June 10, 2013 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

Chair Hess noted that the objection, regarding the language discussed earlier, could be indicated in the motion.

Recommendation

Mr. Vieira moved that the ordinance pursuant to Section 3-9-50.6a of the Code of Laws and Ordinances of Charlotte County, Florida amending the mandatory design requirements used within the Charlotte Harbor Community Overlay District, with changes to language as discussed in this meeting be forwarded to the Board of County Commissioners with a recommendation of *Approval*, second by **Mr. Mahshie** and carried by a unanimous vote.

There was a brief discussion with Ms. Williams regarding the matters anticipated to come forward at next month's meeting, which would include minor changes to the Earthmoving Code section on Farm Ponds, as well as changes to the Manasota Key Overlay Code.

There being no further business to come before the Board, meeting was adjourned at 1:44 p.m.